

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GUARDIAN INDUSTRIES CORPORATION)	
)	
<i>Plaintiff,</i>)	
)	
v.)	
)	
DELL INC.;)	
GATEWAY, INC.;)	
HEWLETT-PACKARD COMPANY;)	
ACER INC.;)	
ACER AMERICA CORPORATION;)	
AOC INTERNATIONAL;)	
ENVISION PERIPHERALS, INC.;)	
TPV INTERNATIONAL (USA) INC.;)	
AU OPTRONICS CORPORATION;)	
AU OPTRONICS CORPORATION AMERICA a/k/a)	
AU OPTRONICS AMERICA, INC.;)	
BENQ CORPORATION;)	
BENQ AMERICA CORPORATION;)	
CHUNGHWA PICTURE TUBES, LTD. a/k/a)	C.A. No. 05-27-SLR
CHUNGHWA PICTURETUBES COMPANY.;)	
TATUNG COMPANY;)	
TATUNG COMPANY OF AMERICA, INC.;)	
BOE HYDIS TECHNOLOGY COMPANY, LTD.;)	
BOE HYDIS AMERICA, INC.;)	
COMPAL ELECTRONICS, INC.;)	
DELTA ELECTRONICS, INC.;)	
DELTA PRODUCTS CORPORATION;)	
DELTA ELECTRONICS (THAILAND))	
PUBLIC COMPANY, LTD.;)	
HANNSTAR DISPLAY CORPORATION;)	
JEAN CO., LTD.;)	
LITE-ON TECHNOLOGY CORPORATION;)	
LITE-ON, INC. a/k/a)	
LITEON TRADING USA, INC.;)	
MAG TECHNOLOGY COMPANY, LTD.;)	
MAG TECHNOLOGY USA, INC.;)	
PROVIEW INTERNATIONAL HOLDINGS, LTD.;)	
PROVIEW TECHNOLOGY, INC.; and)	
QUANTA DISPLAY, INC.)	
)	
<i>Defendants.</i>)	

ACER, INC. AND ACER AMERICA CORPORATION'S
MOTION TO STAY PENDING RESOLUTION OF THE CASES
AGAINST LCD MODULE MANUFACTURERS

Defendants Acer, Inc. and Acer America Corporation (“Acer”) respectfully move this Court to enter an Order staying the above-captioned action against Acer pending the final resolution of Plaintiff Guardian Industries Corporation’s (“Guardian”) claims against the liquid crystal display (“LCD”) product manufacturers in this action. The four patents asserted by plaintiff Guardian are directed to specific components of LCDs. In addition to suing the companies that manufacture LCDs or their components, Guardian has also sued customers of those and other LCD manufacturers. Acer is an LCD customer. It purchases LCD panels, modules and other LCD related components from LCD manufacturers and then assembles them into monitors as an original equipment manufacturer (OEM) and/or original design manufacturer (ODM) for third parties, such as Dell, Inc. Acer is therefore a customer of the LCD manufacturers with limited knowledge and information about the design and manufacture of the LCD products that it purchases.

The manufacturers, not LCD customers like Acer, are the real parties in interest in this case. The LCD manufacturers are the parties with detailed knowledge of the design, structure and manufacture of the allegedly infringing LCDs, and the parties with the information and documentation and documentation to defend against Guardian’s claims. The manufacturers who supply Acer are set forth in the attached Declaration of Albert Lai (Exhibit A hereto). In an attempt to simplify this case, Acer now moves to stay the action, thereby allowing the LCD manufacturers to logically take the lead. Further, staying this case against Acer and the other customer defendants pending resolution of Guardian’s claims against the LCD manufacturers would further the interests of justice and litigation efficiency and economy by significantly streamlining and simplifying the

issues, discovery, and trial in this complex, multi-party case. *See Honeywell Int'l Inc. v. Audiovox Communications Corp.*, C.A. No. 04-1337 KAJ, slip op. at 6-7 (D. Del. May 18, 2005) (Exhibit B hereto); *Commissariat A L'Energie Atomique v. Dell Computer Corp.*, C.A. No. 03-484 KAJ, 2004 WL 1554382, at *3 (D. Del. May 13, 2005) (Exhibit C hereto).

Acer joins in and incorporates by reference the point and authorities set forth in the briefs in support of the motions to stay filed by Dell, Inc. on June 3, 2005 and Gateway, Inc. on June 8, 2005, and the Declaration of Albert Lai, June 27, 2005 (Exhibit A hereto), as grounds for this Motion. A proposed Order granting Acer's motion is submitted herewith as Exhibit D.

Rule 7.1.1 Statement. Plaintiff will not consent to the relief sought by this Motion. *See* D.I. 132 (Answering Brief in Opposition to Motion to Stay).

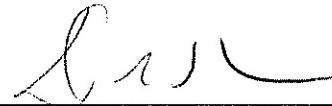
POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Eric L. Wesenberg
Kai T. Tseng
Rowena Y. Young
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
Tel. No. 650-614-7400
Fax No. 650-614-7401

DATE: June 28, 2005

688331

By: 
Richard L. Horowitz (#2246)
David E. Moore (#3983)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19899
Tel. No. 302-984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

*Attorneys for Defendants
Acer, Inc. and Acer America Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on June 28, 2005, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

Richard K. Herrmann
Mary B. Matterer
Morris James Hitchens & Williams LLP
222 Delaware Avenue, 10th Floor
Wilmington, DE 19801

Josy W. Ingersoll
Young, Conaway, Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391

Steven J. Balick
Ashby & Geddes
222 Delaware Avenue
P.O. Box 1150
Wilmington, DE 19899

Matthew W. King
Richards, Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899-0551

Robert W. Whetzel
Richards, Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899-0551

Gerald M. O'Rourke
Connolly Bove Lodge & Hutz LLP
The Nemours Building
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899

William J. Marsden, Jr.
Fish & Richardson, P.C.
919 N. Market Street, Suite 1100
P.O. Box 1114
Wilmington, DE 19899-1114

I hereby certify that on June 28, 2005, I have Federal Expressed the documents to the following non-registered participants:

Bryan S. Hales
Craig D. Leavell
Meredith Zinanni
Eric D. Hayes
Kirkland & Ellis LLP
200 East Randolph Drive
Chicago, IL 60601

Peter J. Wied
Alschuler Grossman Stein & Kahan LLP
1620 26gh Street, 4th Floor, N Tower
Santa Monica, CA 90404-4060

Roderick B. Williams
Avelyn M. Ross
Vinson & Elkins
2801 Via Fortuna, Suite 100
Austin, TX 78746-7568

Eric L. Wesenberg
Kai Tseng
Rowena Young
Orrick, Herrington & Sutcliffe LLP
1000 Marsh Road
Menlo Park, CA 94025-1015

Jeffrey K. Sherwood
Akin Gump Strauss Hauer & Feld LLP
Robert S. Strauss Building
1333 New Hampshire Avenue, N.W.
Washington, DC 20036-1564

Teresa M. Corbin
Howrey LLP
525 Market Street, Suite 3600
San Francisco, CA 9410534

Robert C. Weems
Baum & Weems
58 Katrina Lane
San Anselmo, CA 94960

Kurt M. Rogers
Latham & Watkins LLP
885 Third Avenue
Suite 1000
New York, NY 10022-4834

E. Robert Yoches
Laura P. Masurovsky
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
901 New York Avenue, N.W.
Washington, DC 20001

By: 

Richard L. Horwitz
David E. Moore
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, Delaware 19899-0951
(302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com